

## REMARKS

Claims 26-30 were rejected under a single reference Section 103 rejection with the acknowledgment that the single reference does not teach a claimed limitation. Since only a single reference is cited and it is admitted that a limitation is missing, there cannot be a proper Section 103 rejection. In order to make out a *prima facie* rejection, there must be a teaching within the art itself and a rationale from within the art itself to make the modification. Here, Jin is silent on a claim limitation. Given that silence, Jin cannot teach the claimed limitation. Since the reference fails to make out by itself a *prima facie* obviousness rejection, reconsideration is respectfully requested.

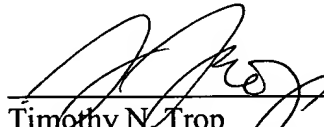
The objection to the process-by-product language in claim 26 has been cured by an appropriate amendment.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date:

5/23/03

  
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## APPENDIX

Please amend claim 26 as follows:

26 (Twice Amended). A semiconductor structure, comprising:

- a support;

- a first material deposited on said support, the first material having a first etch rate;

- a trench formed through the first material and into the support;

- a trench filler material deposited in the trench, the trench filler material having an etch rate that is less than 1.2 times the first etch rate and substantially similar to or less than the first etch rate]; and

- wherein the first material and the trench filler material are etched simultaneously across the trench].